



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
CABLEVISION OF MONMOUTH, INC. FOR)
RENEWAL OF A CERTIFICATE OF)
APPROVAL TO CONTINUE TO OPERATE)
AND MAINTAIN A CABLE TELEVISION)
SYSTEM IN THE TOWNSHIP OF OCEAN,)
COUNTY OF MONMOUTH, STATE OF NEW)
JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE02080511

SERVICE LIST ATTACHED

BY THE BOARD:

On May 12, 1977, the Board granted Telco Cablevision of Asbury Park, Inc. ("Telco") a Certificate of Approval in Docket No. 773C-6260 for the construction, operation and maintenance of a cable television system in the Township of Ocean ("Township"). On November 6, 1986, the Board approved the transfer of the Certificate of Approval from Telco to Harte-Hanks Cable, Inc. ("Harte-Hanks") in Docket No. CM86080922. On March 30, 1988, the Board approved the transfer of the Certificate of Approval from Harte-Hanks to Monmouth Cablevision Associates ("MCA"), in Docket Nos. CE88020411 and CE88020286. On July 19, 1993, the Board granted MCA a Renewal Certificate of Approval for the Township, in Docket No. CE92060650. On May 17, 1994, the Board approved the sale of MCA to Cablevision of Monmouth, Inc. ("Petitioner"), in Docket No. CM93120537. Although the Petitioner's above referenced Certificate expired on May 12, 2002, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Township on or about August 14, 2001, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. On May 29, 2002, after public hearing, the Township adopted an ordinance granting renewal municipal consent to the Petitioner. On July 3, 2002, the Petitioner accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24.

On August 1, 2002, pursuant to N.J.S.A. 48:5A-16, Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Township in conjunction with the municipal consent process.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Board finds this period to be of reasonable duration.
5. The Township has reserved the right to review the performance of the Petitioner with regard to the ordinance and seek redress administratively through the Board. If the Township determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, the Township shall provide written notice to the Petitioner of such alleged instances of non-compliance and shall grant the Petitioner a minimum of 90 days to cure such deficiency. If the Petitioner does not cure the deficiency, the Township may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term, only after the 90-day opportunity to cure has passed and the deficiency has not been cured.
6. The Petitioner shall be required to proffer video programming service along any public right of way to any person's residence within the portion of the franchise territory, as described in the application for municipal consent, at tariffed rates for standard and non-standard installation. For any areas outside of the Petitioner's proposed primary service area, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 25.
7. The Petitioner was required to complete an upgrade of the cable system in the Township to provide the capability for eighty channels of video programming and the provision of two-way interactive cable modem service by December 31, 2002. The Office of Cable Television has confirmed that the rebuild was completed.

8. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
9. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Township. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with applicable rules.
10. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The Petitioner shall establish within the Township an office or agent for the purpose of allowing customers to make payments in the Township. Currently, the local office serving this provision is located at 1313 Roller Road, in the Township.
11. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
12. The Petitioner shall provide public, educational and governmental access services, equipment and facilities as described in the application and the ordinance. The Petitioner shall provide the Township educational workshops and training. The Petitioner shall provide one composite educational and governmental access channel for use by the residents and institutions of the Township, for non-commercial programming, pursuant to the ordinance.
13. Upon the written request of the Township, which shall be made within 90 days of the effective date of the ordinance, the Petitioner shall provide the Township with a one-time grant of equipment as stipulated in Exhibit A of the ordinance. The equipment shall consist of the following items: a) 1 JVC S-VHS Camcorder; b) 1 JVC AC Battery charger; c) 1 LMM Battery; d) 1 MSG Tripod Package; e) 1 Leight Event Controller; f) 1 Leight Interface; g) 1 Pana VCR; and h) 1 Scala Professional Designer System character generator. Upon receipt of the Township's written request for the equipment, the Petitioner shall provide the equipment within 60 days as required by the ordinance. Should the Township not make such a written request within 90 days, the Petitioner shall provide a grant equal to \$1,000.00 for each full year of the franchise remaining to be applied by the Township toward the purchase of equipment for its educational and governmental channel. The Petitioner shall provide training on the access equipment as stipulated in the ordinance.
14. Upon request, the Petitioner shall provide, free of charge, one standard installation and monthly basic and expanded cable service, to all: a) state or locally accredited primary and secondary schools with one or more grades, kindergarten through twelfth grades; b) all municipally owned public libraries; c) public works, fire, first aid and police facilities; d)

municipal senior citizens center; and e) all municipally owned buildings used for governmental purposes located within the Township or as may be constructed in the future. The Petitioner shall waive any line extension fees for connections to following locations within the Township: a) the senior citizens center at 615 West Park Ave; b) the Oakhurst meeting room on Memorial Parkway; and c) the library located at 701 Deal Road.

15. The Petitioner shall provide one cable modem and Internet access service, including standard installation, free of charge, to all state or locally accredited public schools and all public libraries within the Township, as stipulated in the ordinance.
16. The Petitioner shall provide one cable modem and Internet access service including standard installation, free of charge, to either the Town Hall at 399 Monmouth Road or another designated municipal building. The Township shall be permitted, at its own cost, to network up to three additional personal computer terminals to the cable modem provided to the Township.
17. The Petitioner shall implement a senior citizens discount in the amount of 10% of the basic monthly service for persons meeting the eligibility requirements, pursuant to N.J.S.A. 30:4D-21 and N.J.A.C. 14:18-3.20.
18. Upon reasonable written request of the Township, the Petitioner shall appear, at least once annually, at a public meeting of the governing body or its designees, to discuss matters pertaining to the provision of cable service to the residents of the Township and other related issues.

Based upon these findings, the Board **HEREBY CONCLUDES** that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready to comply with all applicable rules and regulations imposed by or pursuant to State and federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system for the entirety of the Township.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq. including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire May 12, 2012.

DATED: September 25, 2003

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

(signed)

JACK ALTER
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY

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